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2018 SEP 28 AM 11:17  
U.S. MAGISTRATE JUDGE

BY \_\_\_\_\_

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

**-oOo-**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSHUA MARTINEZ,

Defendant.

Magistrate No. 2:18-mj-707 GWF

**AMENDED CRIMINAL COMPLAINT**

**VIOLATION:**

Title 41, Code of Federal Regulations,  
Section 102-74.390

BEFORE the United States Magistrate Judge, Las Vegas, Nevada, the undersigned Complainant, being duly sworn, deposes and states:

**COUNT ONE**

*Creating a Disturbance on Federal Property*

On or about August 1, 2018, in the State and Federal District of Nevada, within the boundaries of Lloyd D. George Federal Courthouse ("the Courthouse"), located at 333 Las Vegas Boulevard, South, Las Vegas, Nevada, **JOSHUA MARTINEZ (MARTINEZ)**, defendant herein, created a disturbance by loitering, exhibiting disorderly conduct, and exhibiting other conduct on the Courthouse property, to wit:

1 creating loud noises, creating a nuisance, unreasonably obstructing the usual use of  
2 entrances, and otherwise impeding and disrupting the performance of official duties by  
3 government employees, and preventing the general public from obtaining the  
4 administrative services provided on the property in a timely manner, by refusing to  
5 follow the lawful orders of the Court Security Officers ("CSOs") to exit the building,  
6 yelling, refusing to be handcuffed by the CSO placing him under arrest, and causing the  
7 CSOs to abandon their duties at the government employee and the general public  
8 entrance security check points which give access to the Courthouse, until the CSO's could  
9 safely remove **MARTINEZ** from the entrance. All in violation of Title 41, Code of Federal  
10 Regulations (CFR), Sections 102-74.390.

11  
12 **PROBABLE CAUSE AFFIDAVIT**

13 Complainant, Michael Desch, is a Deputy United States Marshal with the United  
14 States Marshals Service (USMS) states the following as and for probable cause:

15 1. Complainant is currently assigned to the Las Vegas, Nevada, Field Office,  
16 and has been so employed for approximately seven years.

17 2. The following information is either the result of complainant's own personal  
18 investigation, or has been provided to him by other law enforcement personnel and  
19 investigators. As a Deputy U.S. Marshal, I have successfully completed the Criminal  
20 Investigator Training Program ("CITP") and USMS Basic Training at the Federal Law  
21 Enforcement Training Center ("FLETC") in Glynco, Georgia.

22 3. Because this Affidavit is being submitted for the limited purpose of securing  
23 a Criminal Complaint, I have not included each and every fact known to me concerning  
24 this investigation. I have set forth only those facts that I believe are necessary to

1 establish probable cause to believe that, on or about August 1, 2018, **MARTINEZ**  
2 committed the offense of Disorderly Conduct, in violation of Title 41, CFR 102-74.390.  
3 The following information contained within this criminal complaint is based upon my  
4 own participation in this investigation or was provided to me by other law enforcement  
5 personnel. All dates and times are approximate.

6 **FACTS ESTABLISHING PROBABLE CAUSE**

7 4. On February 7, 2017, **MARTINEZ** attempted to enter the Lloyd D. George  
8 Federal Courthouse. **MARTINEZ** could not produce a valid government issued  
9 identification and was denied entry into the Courthouse. Posted inside the Courthouse  
10 lobby prior to the entry through the magnetometers, is a notice that all persons entering  
11 the Courthouse must present identification for screening<sup>1</sup>. The CSOs told **MARTINEZ**  
12 that he could not enter the Courthouse without a valid government issued identification.  
13 **MARTINEZ** could not provide the required identification<sup>2</sup> and he was denied entry and  
14 told to leave the premises. **MARTINEZ** refused to comply with the order. When  
15 **MARTINEZ** continued to refuse to leave the Courthouse after being ordered by the  
16 CSOs, the Las Vegas Metropolitan Police (LVMPD) was subsequently notified.  
17 **MARTINEZ** was arrested by the LVMPD and removed from the premises. As a result  
18 of this incident, a security alert<sup>3</sup> was issued by the United States Marshals Service  
19 (USMS) and distributed to the CSOs. It advised the CSOs to notify the USMS in the  
20 event that **MARTINEZ** attempted to access the Courthouse in the future.  
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23 <sup>1</sup> The Notice reads that "... [t]hose who do not have or refuse to provide an ID card will be denied access."

24 <sup>2</sup> **MARTINEZ** produced a paper that he claimed was what he used for identification, but it was not a valid form of identification.

<sup>3</sup> A security alert is issued by the USMS to notify CSOs of safety and security procedures for specific individuals that have presented safety and security concerns.

1           5.       On April 4, 2017, **MARTINEZ** attempted to gain access to the Courthouse.  
2 **MARTINEZ** began to video tape his interactions with the CSOs. Filming in the  
3 Courthouse is prohibited per the Court Order issued on February 6, 2017 by the  
4 Honorable Judge Kent Dawson. **MARTINEZ** was told numerous times to stop recording,  
5 but refused to comply with the CSOs order to stop. As a result, he was denied entry to  
6 the Courthouse, and was ordered to leave the premises. LVMPD was called to the  
7 Courthouse as a result of the incident. Upon their arrival, **MARTINEZ** was arrested for  
8 Trespass and removed from the property of the Courthouse by LVMPD.

9           6.       On November 9, 2017, **MARTINEZ** attempted to gain access to the  
10 Courthouse. The USMS Senior Inspector ("SI") "RB" told **MARTINEZ** that the previous  
11 trespass order from April 2017, was still in effect and asked **MARTINEZ** to leave the  
12 premises. **MARTINEZ** refused to leave and USMS SI RB placed him under arrest for  
13 Trespass.

14           7.       On July 30, 2018, **MARTINEZ** attempted to gain access to the Courthouse.  
15 **MARTINEZ** was advised by the CSOs that the USMS needed to be notified to clear him  
16 to enter the building. **MARTINEZ** became boisterous, shouting at the CSOs. The CSOs  
17 then ordered **MARTINEZ** to leave the premises. Instead of leaving, **MARTINEZ** pulled  
18 out his cellular phone and began recording the CSOs. **MARTINEZ** was advised by the  
19 CSOs that filming in the Courthouse was prohibited per Court Order. When ordered to  
20 stop recording, **MARTINEZ** refused and continued to video record. CSO "ER" took  
21 **MARTINEZ'S** cell phone and **MARTINEZ** was escorted by CSOs from the lobby area of  
22 the Courthouse to the front doors. At that time, **MARTINEZ** shouted at CSO ER, "Tell  
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24

1 that monkey to give me my phone back.”<sup>4</sup> Once outside the Courthouse, **MARTINEZ’S**  
2 cellular phone was returned to him by a CSO. Once the cellular phone was returned,  
3 **MARTINEZ** once again began to video record the front entrance area, videotaping the  
4 CSOs and the people entering and exiting the Courthouse. The USMS eventually did  
5 come outside the Courthouse to speak with **MARTINEZ** about his conduct. The USMS  
6 advised **MARTINEZ** that if he produced a valid government identification and secured  
7 his cellular phone elsewhere, the USMS would allow him entry into the Courthouse.  
8 Thereafter, **MARTINEZ** secured his phone, produced a valid government identification,  
9 and was ultimately permitted entry into the Courthouse to observe a court proceeding.  
10 However, after USMS personnel were more fully briefed by the CSOs regarding  
11 **MARTINEZ’S** conduct towards the CSOs prior to the USMS allowing him access, an  
12 updated security alert was distributed to the CSOs. This updated security alert  
13 instructed the CSOs to not allow **MARTINEZ** to enter the Courthouse in the future, and  
14 that the USMS should be immediately alerted of his presence on the property.  
15

16 8. On August 1, 2018, at approximately 10:10 a.m., **MARTINEZ** attempted  
17 to gain access to the Courthouse and was advised by CSO “AC” that his access into the  
18 Courthouse was denied by the USMS due to his past behavior. **MARTINEZ** was then  
19 ordered to step outside the front doors of the Courthouse and wait for a U.S. Marshal’s  
20 Agent to arrive to speak to him. **MARTINEZ** refused to comply with CSO AC’s order.  
21 **MARTINEZ** began to create a disruption by raising his voice and yelling at the CSOs.  
22 **MARTINEZ** continued to refuse the orders of the CSOs to exit the building. Because of  
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<sup>4</sup> CSO “ER” who took **MARTINEZ’S** phone is African-American.

1 his refusal to comply with their orders and due to his disruptive behavior, CSOs "LA"  
2 and AC attempted to place **MARTINEZ** in handcuffs. **MARTINEZ** resisted by refusing  
3 to place his right hand behind his back as ordered. CSOs LA and AC grabbed  
4 **MARTINEZ'S** hand to handcuff him. **MARTINEZ** then attempted to pull his hand  
5 away to prevent the CSOs from placing him in handcuffs. **MARTINEZ** continued to yell  
6 and shout at the CSOs as he was being handcuffed. CSOs LA and AC were ultimately  
7 able to place **MARTINEZ** in handcuffs by grabbing his right hand and placing it behind  
8 his back. Once in handcuffs, **MARTINEZ** began to curse at the CSOs stating, "You  
9 Pussys" and "You guys ain't shit."

10 9. **MARTINEZ'S** conduct unreasonably obstructed the usual use of the  
11 entrance of the Courthouse and additionally, resulted in the CSOs having to abandon  
12 their duties at the government employee and the general public entrance security check  
13 points which give access to the Courthouse until the CSO's could safely remove  
14 **MARTINEZ** from the entrance. **MARTINEZ'S** actions thereby impeded and disrupted  
15 the performance of official duties by Government employees, and prevented the general  
16 public from obtaining the administrative services provided on the property in a timely  
17 manner.  
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